

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Mary Ann Grilli and Hon. Michael Nash, Co-chairs
Eryn Lael Shomer, Juvenile Projects Attorney, 415-865-7731,
evyn.shomer@jud.ca.gov

DATE: November 1, 2002

SUBJECT: Juvenile Law: Local Psychotropic Medication Forms (amend Cal.
Rules of Court, rule 1432.5) (Action Required)

Issue Statement

Welfare and Institutions Code section 369.5 required the Judicial Council to adopt rules of court and develop appropriate forms regarding the administration of psychotropic medication to children under the jurisdiction of the juvenile dependency court. Form JV-220, *Application for Order for Psychotropic Medication—Juvenile*, was adopted for mandatory use on January 1, 2001. Rule 1432.5, which was also adopted on January 1, 2001, provided that form JV-220 could be supplemented with local forms if those forms were submitted to the Judicial Council for approval. The majority of counties did not submit local forms for approval. The five counties that received approval have been using their local forms in lieu of the mandatory statewide form.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend rule 1432.5 of the California Rules of Court, effective January 1, 2003, to:

1. Eliminate the current requirement that courts submit local supplemental psychotropic medication forms for council approval; and
2. Clarify that Judicial Council form JV-220 must be filed along with any supplemental local forms.

The text of the proposed amended rule is attached at page 4.

Rationale for Recommendation

After rule 1432.5 was adopted on January 1, 2001, the overwhelming majority of the 58 California counties did not submit local psychotropic medication forms to the Judicial Council for approval. Seven counties submitted local forms for approval, and five counties received approval for their forms. In those counties with approved local forms, there is a misperception that use of the approved local form eliminates the requirement to file form JV-220. The original intent of permitting supplemental forms to the statewide mandatory form was to allow for local court practice variation among those few courts that had already developed forms and protocols which were working well.

The proposed amendment to rule 1432.5 promotes a consistent psychotropic medication application procedure. It ensures that all of the information required by form JV-220 will be submitted to the court and clarifies that the mandatory statewide form must be filed, along with any supplemental local forms. Without the proposed amendment, the uniformity and efficiency of the psychotropic medication application process is diminished because not all supplemental local forms contain the specific information required by the court to make informed decisions regarding the use of psychotropic medication.

Alternative Actions Considered

No alternative actions were considered.

Comments From Interested Parties

The proposal was circulated for comment in the spring 2002 cycle. It was sent to presiding judges, court managers and clerks, other administrators of the juvenile courts, physicians, and other interested persons and organizations.

A total of nine comments were received. Five of the commentators agreed with the proposed amendment; the other four disagreed.

One commentator asserted that the mandatory form JV-220 is inefficient in capturing the information required by Welfare and Institutions Code section 369.5. This commentator believes that the local form used in his county is more efficient. He believes that it is unduly burdensome to physicians and duplicative to require the use of the mandatory form where a local form is in use and working effectively. Another commentator stated that the local form used in her county is superior to form JV-220. This commentator recommended several specific changes to improve the form's efficiency. The third commentator who did not agree with the proposed amendment noted that use of the local form in her county is working extremely well. The fourth commentator stated that it would be easier for health care providers if the rule required each county to develop a local psychotropic medication form.

The committee acknowledges that there are many local forms in use and that these forms capture information each court has determined it needs before ordering psychotropic medication. Rule 1432.5 allows for the use of these local forms as long as they are filed with the statewide mandatory form. Filing the statewide mandatory form is critical because Welfare and Institutions Code section 369.5 contemplates a consistent and uniform statewide psychotropic medication procedure to ensure that all courts have minimally the same information before making such important decisions about a child's mental health treatment. For this reason, the committee believes that JV-220 must be filed in court, and all the information required by the statewide form must be presented in either JV-220 or the local forms.

While the suggested modifications to form JV-220 may have merit, they are outside of the scope of the current proposal. The commentators' suggestions to make the form more complete and user-friendly will be considered by the committee during future rules and forms proposal cycles.

The comments and the committee responses are summarized in the chart attached at pages 6–9.

Implementation Requirements and Costs

Implementation of the proposal will not result in any additional costs.

Attachments

Rule 1432.5 of the California Rules of Court is amended, effective January 1, 2003, to read:

Rule 1432.5. Psychotropic medications

(a)–(g) * * *

(h) [Local ~~protocol~~ Forms] The Judicial Council form *Application for Order for Psychotropic Medication—Juvenile* (JV-220) and *Opposition to Application for Order for Psychotropic Medication—Juvenile* (JV-220A) must be filed with the court. Additional information may be provided to the court through the use of ~~may be supplemented with local protocols and forms that are consistent with this rule must be submitted to the Judicial Council for approval for use in that county.~~

(i) * * *

Comments for SPR02-33
Local Psychotropic Medication Forms

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Mr. George Fouras, Chair California Psychiatric Association's Committee on Child, Adolescent, and Family Psychiatry; Sacramento, California	N	Y	<p>1. The state form is cumbersome and inefficient. Some members have encountered undue delay by social workers in submitting forms.</p> <p>2. The forms should not be required to be filled out by typewriter, but should be available on-line.</p> <p>3. The current form wastes a physician's time by collecting redundant information. Physicians are required to complete both the Judicial Council form as well as the local form, which is burdensome, and will result in a lack of physicians who will take foster child cases.</p>	<p>1. The statewide mandatory form contains the minimum information needed for the court to reach an informed decision on the administration of psychotropic medication. Social workers are responsible for the care, custody, and control of children under the jurisdiction of the juvenile court and have the duty to obtain the information required on the form.</p> <p>2. The Judicial Council does not prescribe how the forms are filled out. Local rules of court address such limitations. The Judicial Council is in the process of developing interactive on-line forms. Final forms are, however, currently available from free and commercial on-line services.</p> <p>3. The rule does not require a physician to complete the form. A social worker may fill out the form. Information that is required on both the statewide mandatory form and the local form that is duplicative need not be completed in both places. As long as JV-220 is filed in the court and all the information required by the statewide form is</p>

Comments for SPR02-33
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				4. A separate form is required for each medication. The current form does not allow adjusting the doses of medication until an effective dose is found.	presented in either JV-220 or the local forms, the requirements of rule 1432.5 satisfied. 4. The mandatory form does not prescribe a limit on the number of medications that may be included. A range of doses may be identified, within which an effective dose may be found.
1.	Mr. Jose Guillen, Executive Officer Superior Court of California, County of Riverside	A	N	The Executive Officer of the Riverside County Superior Court agrees with the proposed changes. The Riverside County Superior Court attaches a local form to the Judicial Council form. Other counties are using Riverside County's form.	Assuming all the information required by JV-220 is supplied in the statewide or the local forms, or both, attachment of the local form to the JV-220 for filing is an appropriate way to ensure full compliance with rule 1432.5.
2.	Hon Brenda F. Harbin-Forte, Presiding Judge of the Juvenile Court Superior Court of California, County of Alameda	A	N	No comment.	No response required.
3.	Ms. Miriam A. Krinsky, Executive Director Dependency Court Legal Services, Inc.	N	Y	1. The Los Angeles local psychotropic medication form captures critical information and has notice requirements not found in the Judicial Council form. The state form should	1. The current proposal is limited to the section of rule 1432.5 that requires counties to submit their local forms to the Judicial Council

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	<p>Monterey Park, California</p> <p>Kenneth P. Sherman, Law Firm Director, Monterey Park</p> <p>Lisa E. Mandel, Law Firm Director, Monterey Park</p> <p>Anne E. Fragasso, Law Firm Director, Monterey Park</p>			<p>be modified to include information about the child's residence, whether the applicant is a treating physician or therapist, the social worker or probation officer's contact information, the date of the child's last physical examination, a listing of laboratory tests that have been performed or scheduled, and a listing of nonmedication alternatives that have been considered.</p> <p>2. There is no requirement that the child, parent, or guardian be provided with written materials about proposed medications.</p> <p>3. The state form currently has no provision for a time limitation for the administration of the medication other than the provision at the end, which specifies that the order be in effect for no more than 180 days. We suggest that the requesting physician provide an "Administration Schedule" which sets out target schedules for the new prescription, or provides for the current schedule if the request is for the renewal of an ongoing prescription.</p>	<p>for approval. The proposed amendment states that local forms may be developed and used to supplement the mandatory form. Modifications to the form itself are outside of the scope of the proposal. Suggestions to modify the form to be more complete and user-friendly will be considered by the committee in a future rules and forms proposal cycle.</p> <p>2. Local court rules and forms may address this issue.</p> <p>3. Local court rules and forms may address this issue.</p>
4.	Hon. Harry R. Sheppard, Presiding Judge Superior Court of California,	A	N	No comment.	No response required.

Comments for SPR02-33
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	County of Alameda				
5.	Hon. Ronald L. Bauer, Chairman, Rules and Forms Committee Superior Court of California, County of Orange	A	Y	The Rules and Forms Committee of the Orange County Superior Court strongly agrees with the proposal.	No response required.
6.	Hon. Donna J. Hitchens, Supervising Judge Superior Court of California, County of San Francisco	N	Y	Our system (San Francisco County Unified Family Court's use of a local form) is working extremely well.	The current proposal does not interfere with San Francisco County Unified Family Court's current practice. The proposed amendment to the rule states that local forms may be developed and used to supplement the mandatory form; they no longer need to be approved by the Judicial Council.
7.	Ms. Minnie Monarque, DCEO Superior Court of California, County of Monterey	A	N	No comment.	No response required.
8.	William Arroyo, M.D. Medical Director Children's System of Care Los Angeles County Department of Mental Health	N	Y	The current rule of local development of one form in most counties in California, achieves a balance necessary to continue providing services to the population of children requiring psychotropic medication.	The current rule does not permit local forms to be used in place of the mandatory form. The amendment clarifies that local forms are for supplemental use only, and eliminates the requirements for approval of local forms.